

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
1995

ered the conservator's residence for the purposes of this section.

Sec. 2. 18-A MRSA §5-411, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-411. Bond

The court may require a conservator to furnish a bond conditioned upon faithful discharge of all duties of the trust according to law, with sureties as it ~~shall specify~~ specifies. A conservator who moves out of this State while serving as conservator shall notify the court regarding the change of residence. The court may require a conservator who moves or locates out of this State while serving as conservator to furnish a bond at that time. Unless otherwise directed, the bond ~~shall~~ must be in the amount of the aggregate capital value of the property of the estate in ~~his~~ the conservator's control plus one year's estimated income minus the value of securities deposited under arrangements requiring an order of the court for their removal and the value of any land ~~which that~~ the fiduciary, by express limitation of power, lacks power to sell or convey without court authorization. The court in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land.

Sec. 3. 18-A MRSA §5-424, sub-§(b-1) is enacted to read:

(b-1) A conservator may remove items of tangible property that are assets of the estate to a location out of this State only with court authorization.

See title page for effective date.

CHAPTER 292

H.P. 845 - L.D. 1176

An Act to Amend the Maine Cancer Registry Law to Require the Reporting of All Cancer Cases to the Department of Human Services

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1402, as amended by PL 1985, c. 407, §1, is further amended to read:

§1402. Duty of physicians and hospitals

All hospitals and other health care facilities providing screening, diagnostic or therapeutic services with respect to cancer shall report to the Department of Human Services all persons diagnosed as having a malignant tumor no later than 30 days from the date of

diagnosis or ~~from~~ discharge from a hospital. The report ~~shall~~ must include information on the person's usual occupation and industry of employment.

A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients, upon notification by the Department of Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under ~~his~~ the health care practitioner's care, diagnosed as having or having had a malignant tumor. A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients is required to report any newly diagnosed cancer case to the department when that patient will not be referred to a reporting facility for diagnosis or treatment.

~~No physician or hospital~~ A facility or individual complying with the reporting requirements of this section ~~shall be~~ is not liable for any civil damages as a result of such acts.

The requirements of this section do not apply to health care practitioners who provide treatment by spiritual means alone.

See title page for effective date.

CHAPTER 293

H.P. 697 - L.D. 955

An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 39-A MRSA §203, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Compensation while incarcerated. Compensation for incapacity under section 212 or 213 or under any prior workers' compensation laws may not be paid to any person during any period ~~in which that person is a sentenced prisoner in actual execution of a term~~ of incarceration imposed in this State or any other jurisdiction ~~for~~ after conviction of a criminal offense, except in relation to compensable injuries suffered during incarceration and while the prisoner is:

- A. Employed by a private employer;
- B. Participating in a work release program;
- C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261; or

D. Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761.

Sec. 2. Application. Notwithstanding Public Law 1991, c. 885, Part A, section 10, the Maine Revised Statutes, Title 39-A, section 203 applies to eligibility for compensation for incapacity on or after the effective date of this Act regardless of the date of injury.

See title page for effective date.

CHAPTER 294

H.P. 973 - L.D. 1382

An Act to Strengthen the Laws Concerning Labeling and Advertising of Native Produce

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §443-A, as amended by PL 1979, c. 731, §19, is repealed and the following enacted in its place:

§443-A. Native produce

1. Prohibition. Farm produce sold or offered for sale within the State may not be labeled or advertised as "native," "native-grown," "locally grown" or by a similar designation, unless that product was actually grown in the State.

2. Penalty. Violation of subsection 1 is a civil violation punishable by a fine of not less than \$200 nor more than \$300.

3. Burden of proof. The burden of proof concerning the origin of farm produce is on the seller. The burden may be met by written documentation showing the origin of farm produce.

4. Enforcement. This section is enforced by the Department of Agriculture, Food and Rural Resources.

See title page for effective date.

CHAPTER 295

S.P. 80 - L.D. 168

An Act to Clarify Insurance Coverage Regarding Breast

Reconstruction after Mastectomy Surgery

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24 MRSA §2320-C is enacted to read:

§2320-C. Coverage for mastectomy surgery

All individual and group nonprofit and medical services plan contracts and all nonprofit health care plan contracts providing coverage for mastectomy surgery must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction and in the manner chosen by the patient and the physician.

Sec. 2. 24-A MRSA §2731-A, as enacted by PL 1991, c. 333, §1, is repealed.

Sec. 3. 24-A MRSA §2745-C is enacted to read:

§2745-C. Coverage for mastectomy surgery

All individual health policies providing coverage for mastectomy surgery, except those designed to cover only specific diseases, hospital indemnity or accidental injury, must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction and in the manner chosen by the patient and the physician.

Sec. 4. 24-A MRSA §2837-C is enacted to read:

§2837-C. Coverage for mastectomy surgery

All group health policies providing coverage for mastectomy surgery, except those designed to cover only specific diseases, hospital indemnity or accidental injury, must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction and in the manner chosen by the patient and the physician.

Sec. 5. 24-A MRSA §4237 is enacted to read:

§4237. Coverage for mastectomy surgery

All individual or group coverage subject to this chapter that provides for mastectomy surgery must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a